

STEPHANIE M. HINDS (CABN 154282)
United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

YOOSUN KOH (CABN 5245220)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7034
FAX: (415) 436-7234
Yoosun.Koh@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 21-0070 RS
)	
Plaintiff,)	STIPULATION TO SET MOTION SCHEDULE
)	AND EXCLUDE TIME UNDER THE SPEEDY
v.)	TRIAL ACT FROM OCTOBER 26, 2021 TO
)	NOVEMBER 23, 2021 AND ORDER
BENNIE POWELL JR.,)	
)	
Defendant.)	

A motion hearing is scheduled in the above-captioned case on December 14, 2021. The parties jointly request to vacate the hearing on December 14, 2021 and set the matter for a motion hearing via zoom on January 4, 2022. The defense has informed the government that they intend to file a motion to suppress on November 23, 2021, and the parties have conferred and agreed on the following proposed schedule:

Defendant's Motion to Suppress due on November 23, 2021

Government's Response due on December 7, 2021

Defendant's Reply due on December 14, 2021

Motion Hearing on January 4, 2022

The parties further stipulate and request that time be excluded under the Speedy Trial Act from

1 October 26, 2021 through November 23, 2021 so that defense counsel can continue to prepare, including
2 by reviewing the discovery already produced and possible defenses to the charges. For this reason, the
3 parties stipulate and agree that excluding time until November 23, 2021 will allow for the effective
4 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that
5 the ends of justice served by excluding the time from October 26, 2021 through November 23, 2021
6 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant
7 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

8 The undersigned Assistant United States Attorney certifies that she has obtained approval from
9 counsel for the defendant to file this stipulation and proposed order.

10 IT IS SO STIPULATED.

11 DATED: November 17, 2021

/s/

YOOSUN KOH
Assistant United States Attorney

13 DATED: November 17, 2021

/s/

SOPHIA WHITING
Counsel for Defendant Bennie Powell Jr.

ORDER

The motion hearing on December 14, 2021 is vacated and a motion hearing is set for January 4, 2022. Based upon the facts set forth in the stipulation of the parties and for good cause shown, the Court finds that failing to exclude the time from October 26, 2021 through November 23, 2021 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from October 26, 2021 through November 23, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from October 26, 2021 through November 23, 2021 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

DATED: November 17, 2021



HON. RICHARD SEEBORG
Chief U.S. District Judge